

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA, ) CASE NO. 4:22-CR-060-P-1  
Government, )  
VERSUS ) FORT WORTH, TEXAS  
BRANDON DAVID RIVERA, ) MARCH 23, 2022  
Defendant. ) 9:49 A.M.

-----  
UNITED STATES OF AMERICA, ) CASE NO. 4:21-CR-287-P-3  
Government, )  
VERSUS ) FORT WORTH, TEXAS  
LORENZO VALENTINO GUY, ) MARCH 23, 2022  
Defendant. ) 9:49 A.M.

-----  
UNITED STATES OF AMERICA, ) CASE NO. 4:22-CR-038-O-4  
Government, )  
VERSUS ) FORT WORTH, TEXAS  
DEVONSHA RICHARDSON, ) MARCH 23, 2022  
Defendant. ) 9:49 A.M.

-----  
UNITED STATES OF AMERICA, ) CASE NO. 4:22-CR-067-P-1  
Government, )  
VERSUS ) FORT WORTH, TEXAS  
OSHEA CLARKE, ) MARCH 23, 2022  
Defendant. ) 9:49 A.M.

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(NO OMISSIONS - CONTINUED ON PAGE 2)

1	UNITED STATES OF AMERICA,	)	CASE NO. 4:22-CR-036-Y-1
	Government,	)	
2		)	FORT WORTH, TEXAS
	VERSUS	)	
3		)	MARCH 23, 2022
	JOSEPH MICHAEL DUPREE,	)	
4	Defendant.	)	9:49 A.M.

6	UNITED STATES OF AMERICA,	)	CASE NO. 4:22-CR-037-O-1
	Government,	)	
7		)	FORT WORTH, TEXAS
	VERSUS	)	
8		)	MARCH 23, 2022
	TREVON SHUKUR EDWARDS,	)	
9	Defendant.	)	9:49 A.M.

VOLUME 1 OF 1  
TRANSCRIPT OF REARRAIGNMENT OR GUILTY PLEA AT ARRAIGNMENT  
BEFORE THE HONORABLE JEFFREY CURETON  
UNITED STATES MAGISTRATE COURT JUDGE

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18 Proceedings reported by mechanical stenography, transcript  
19 produced by computer.  
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**P R O C E E D I N G S**

March 23, 2022 - 9:49 a.m.

*(Various participants wearing masks)*

*THE COURT:* All right. We have several matters that are set for rearraignment or guilty plea at arraignment. So, as I call your name, if you'll let me know where you are in the courtroom.

We're going to do these all at once, as opposed to doing them individually, mainly as a time-saving matter. We would be here all day if I took them up individually. But, for us to handle this most efficiently, I do ask that you listen carefully to each of the questions and instructions, and that when you answer, you answer in a good firm voice so the court reporter and I can hear your responses.

Those of you wearing a mask, you are free to wear the mask. Just please make extra effort to speak up through it. You're also free to lower the mask, if you feel safe in doing so, so that you can be heard better.

All right. Let's begin with Cause Number 4:22-CR-60, United States versus Brandon Rivera.

Mr. Levi Thomas is present for the government in all of these matters this morning.

Ms. Kara Carreras is present for Mr. Rivera.

Cause Number 4:21-CR-287, United States versus Lorenzo Guy.

1 Mr. James Luster is present for the defense.

2 Cause Number 4:22-CR-38, United States versus  
3 Devonsha Richardson.

4 Did I say that correctly, sir?

5 *DEFENDANT RICHARDSON:* Devonsha.

6 *THE COURT:* Devonsha? All right. Thank you.

7 And Mr. Peter Smythe is present for the defense.

8 Cause Number 4:22-CR-67, United States versus Oshea  
9 Clarke.

10 Did I pronounce your name correctly, sir?

11 *DEFENDANT CLARKE:* Yes.

12 *THE COURT:* Mr. Atticus Gill is present for the  
13 defense.

14 Cause Number 4:22-CR-36, United States versus Joseph  
15 Dupree. Who is Mr. -- you're Mr. Dupree. Thank you, sir.

16 Mr. George Lancaster is present on behalf of the  
17 defense.

18 And, finally, Cause Number 4:22-CR-37, United States  
19 versus Trevon Edwards.

20 *DEFENDANT EDWARDS:* Yes, sir.

21 *THE COURT:* Thank you, sir.

22 And Mr. Lancaster is also present for Mr. Edwards.

23 Very good. So, let me begin by having each of the  
24 defendants placed under oath for this proceeding to answer the  
25 questions.

1           If the defendants would please stand for a moment,  
2       raise your right hand to the best of your ability and be sworn  
3       by my clerk.

4           (Six (6) defendants sworn)

5           *THE COURT:* Thank you. You may all be seated.

6           I'm going to have the record reflect that each of  
7       you answered in the affirmative and you are now under oath.

8           Would you please state your full name -- that's  
9       first middle and last -- for the record, beginning with  
10      Mr. Rivera.

11          *DEFENDANT RIVERA:* Brandon David Rivera.

12          *THE COURT:* Very good.

13          Mr. Guy?

14          *DEFENDANT GUY:* Lorenzo Valentino Guy.

15          *THE COURT:* Okay. I think you'll be fine not having  
16      to stand up every time. We're going to be going for 45  
17      minutes or more.

18          *DEFENDANT GUY:* Yes, sir.

19          *THE COURT:* If you just speak up nice and loud, I  
20      bet we can hear you.

21          *DEFENDANT GUY:* Yes, sir.

22          *THE COURT:* What was that middle name for me one  
23      more time?

24          *DEFENDANT GUY:* Valentino.

25          *THE COURT:* Valentino. Thank you, sir.

1                   How about you, Mr. Richardson, your full name,  
2 please.

3                   *DEFENDANT RICHARDSON:* Devonsha D'Anthoney  
4 Richardson.

5                   *THE COURT:* Your middle name is D'Anthoney?

6                   *DEFENDANT RICHARDSON:* Yes, sir.

7                   *THE COURT:* And how is that spelled, sir?

8                   *DEFENDANT RICHARDSON:* D, apostrophe,  
9 A-N-T-H-O-N-E-Y.

10                  *THE COURT:* Thank you.

11                  Mr. Clarke?

12                  *DEFENDANT CLARKE:* Oshea Jaleel Clarke.

13                  *THE COURT:* And would you spell the middle name for  
14 me?

15                  *DEFENDANT CLARKE:* J-A-L-E-E-L.

16                  *THE COURT:* Very good. Thank you.

17                  I'm going to have trouble hearing each of you unless  
18 you speak up nice and loud. It kind of gets lost in the  
19 courtroom. I may have some control over the speaker. Let me  
20 check.

21                  Would you state your full name for our record,  
22 Mr. Dupree?

23                  *DEFENDANT DUPREE:* Joseph Michael Dupree.

24                  *THE COURT:* Thank you, sir.

25                  And you, Mr. Edwards?



1           *DEFENDANT EDWARDS:* Trevon Shukur Edwards.

2           *THE COURT:* And Shukur is S-H-A-K-U-R?

3           *DEFENDANT EDWARDS:* No, sir.

4           *THE COURT:* How is that spelled?

5           *DEFENDANT CLARKE:* S-H-U-K-U-R.

6           *THE COURT:* U-K-U-R?

7           *DEFENDANT EDWARDS:* Yes, sir.

8           *THE COURT:* All right. Thank you.

9           All right. Is your name spelled correctly in the  
10 indictment or the information that has been returned against  
11 you?

12           Mr. Rivera?

13           *DEFENDANT RIVERA:* Yes.

14           *THE COURT:* Mr. Guy?

15           *DEFENDANT GUY:* Yes, sir.

16           *THE COURT:* Mr. Richardson?

17           *DEFENDANT RICHARDSON:* Yes, sir.

18           *THE COURT:* Mr. Clarke?

19           *DEFENDANT CLARKE:* Yes.

20           *THE COURT:* Mr. Dupree?

21           *DEFENDANT DUPREE:* Yes, sir.

22           *THE COURT:* And Mr. Edwards?

23           *DEFENDANT EDWARDS:* Yes, sir.

24           *THE COURT:* Do each of you understand that you are  
25 now under oath and if you answer any of the Court's questions

1 falsely, your answers could later be used against you in a  
2 prosecution for perjury or for making a false statement?

3 Do you understand, Mr. Rivera?

4 *DEFENDANT RIVERA:* Yes, I do.

5 *THE COURT:* Mr. Guy?

6 *DEFENDANT GUY:* Yes, sir.

7 *THE COURT:* Mr. Richardson?

8 *DEFENDANT RICHARDSON:* Yes, sir.

9 *THE COURT:* Mr. Clarke?

10 *DEFENDANT CLARKE:* Yes.

11 *THE COURT:* Mr. Dupree?

12 *DEFENDANT DUPREE:* Yes, sir.

13 *THE COURT:* And Mr. Edwards?

14 *DEFENDANT EDWARDS:* Yes, sir.

15 *THE COURT:* I understand that each of you read,  
16 write, and understand the English language, so that we don't  
17 need an interpreter for these proceedings.

18 Do each of you understand that I am conducting this  
19 hearing as the magistrate judge, rather than the district  
20 judge in your case, and that's based on your consent; however,  
21 the district judge in your case retains all final  
22 decision-making authority over your plea, and it's the  
23 district judge who will conduct any sentencing in your case.

24 Do you understand, Mr. Rivera?

25 *DEFENDANT RIVERA:* Yes, sir.

1           THE COURT: Mr. Guy?

2           DEFENDANT GUY: Yes, sir.

3           THE COURT: Mr. Richardson?

4           DEFENDANT RICHARDSON: Yes, sir.

5           THE COURT: Mr. Clarke?

6           DEFENDANT CLARKE: Yes, sir.

7           THE COURT: Mr. Dupree?

8           DEFENDANT DUPREE: Yes, sir.

9           THE COURT: And Mr. Edwards?

10          DEFENDANT EDWARDS: Yes, sir.

11          THE COURT: In each of your cases I've been provided  
12 a document entitled Consent to Administration of Guilty Plea  
13 by United States Magistrate Judge, and these consent forms  
14 appear to be signed by each of you and your attorney.

15          Is it your signature on the consent form I've been  
16 handed, Mr. Rivera?

17          DEFENDANT RIVERA: Yes, sir.

18          THE COURT: Mr. Guy?

19          DEFENDANT GUY: Yes, sir.

20          THE COURT: Mr. Richardson?

21          DEFENDANT RICHARDSON: Yes, sir.

22          THE COURT: Mr. Clarke?

23          DEFENDANT CLARKE: Yes, sir.

24          THE COURT: Mr. Dupree?

25          DEFENDANT DUPREE: Yes, sir.

1           THE COURT: Mr. Edwards?

2           DEFENDANT EDWARDS: Yes, sir.

3           THE COURT: Very well. Then I'm signing on each  
4 consent form that I accept your consent, and it's knowingly  
5 and voluntarily given, that you have waived your right to  
6 enter your guilty plea before the district judge and consented  
7 to proceed before me in that plea today.

8           So, let me give you some general instructions. You  
9 may, if you choose, plead not guilty to any offense that's  
10 charged against you or persist in that plea if it's already  
11 been made.

12           And if you plead not guilty, the Constitution of the  
13 United States guarantees you the following rights:

14           You have the right to a speedy and public jury trial  
15 in this district.

16           You have the right at such a trial for you to  
17 confront, that is, to see, hear, and cross-examine all  
18 witnesses against you.

19           You have the right to use the power and the process  
20 of this court to compel the production of any evidence,  
21 including the attendance of any witnesses on your behalf.

22           You have the right to have the assistance of an  
23 attorney at all stages of the proceedings, and if you could  
24 not afford an attorney, the Court would appoint an attorney  
25 for you, as has been done in some of these cases.

1           At such a trial, you could not be compelled to  
2 testify and whether you would testify would be a matter in  
3 which your judgment alone would control.

4           At such a trial, the United States would be required  
5 to prove your guilt beyond a reasonable doubt, and if you were  
6 found guilty, you would have the right to appeal that  
7 conviction.

8           Do each of you understand that you have and are  
9 guaranteed each of those constitutional rights?

10           Mr. Rivera?

11           *DEFENDANT RIVERA:* Yes, sir.

12           *THE COURT:* Mr. Guy?

13           *DEFENDANT GUY:* Yes, sir.

14           *THE COURT:* Mr. Richardson?

15           *DEFENDANT RICHARDSON:* Yes, sir.

16           *THE COURT:* Mr. Clarke?

17           *DEFENDANT CLARKE:* Yes, sir.

18           *THE COURT:* Mr. Dupree?

19           *DEFENDANT DUPREE:* Yes, sir.

20           *THE COURT:* And Mr. Edwards?

21           *DEFENDANT EDWARDS:* Yes, sir.

22           *THE COURT:* Okay. Excuse me for one moment.

23           *(Bench Conference with Courtroom Deputy)*

24           *THE COURT:* And just for the record, in the consent  
25 by Mr. Clarke, there's a place for the United States

1 Attorney's signature. I don't believe it's necessary. So,  
2 for the record, I'm going to mark through that in blue ink as  
3 opposed to having it signed by the United States Attorney.

4 All right. Further instructions.

5 On the other hand, if you plead guilty and your  
6 guilty plea is accepted, there will not be a further trial of  
7 any kind. So, by pleading guilty, you would then waive your  
8 right to a trial, as well as those rights that are associated  
9 with a trial as we just discussed.

10 Do you understand that, Mr. Rivera?

11 *DEFENDANT RIVERA:* Yes, sir.

12 *THE COURT:* And Mr. Guy?

13 *DEFENDANT GUY:* Yes, sir.

14 *THE COURT:* Mr. Richardson?

15 *DEFENDANT RICHARDSON:* Yes, sir.

16 *THE COURT:* Mr. Clarke?

17 *DEFENDANT CLARKE:* Yes, sir.

18 *THE COURT:* Okay. Mr. Dupree?

19 *DEFENDANT DUPREE:* Yes, sir.

20 *THE COURT:* And Mr. Edwards?

21 *DEFENDANT EDWARDS:* Yes, sir.

22 *THE COURT:* Generally, a defendant who is accused of  
23 a crime cannot plead guilty unless he is actually guilty of  
24 that crime. In federal court, it's the judge who determines  
25 the penalty when a defendant is convicted, whether that

1 conviction is on the basis of a jury verdict or upon a plea of  
2 guilty.

3           The Court has not and will not talk to anyone about  
4 the facts of your case, except here in your presence where you  
5 and your attorney and representatives of the government are  
6 all present; however, if a guilty verdict is entered, a  
7 presentence report will be prepared and the district judge may  
8 review that report with probation officers outside of your  
9 presence.

10           If you plead guilty, you will be convicted; however,  
11 you and your attorney each will be given an opportunity to  
12 present to the Court any pleas for leniency. The penalty will  
13 be decided based upon the facts heard in court.

14           You should never depend or rely upon any promise or  
15 statement by anyone, whether connected with law enforcement or  
16 the government or anyone else, as to what sentence will be  
17 imposed.

18           Should you decide to plead guilty, your plea of  
19 guilty must not be induced or prompted by any promises,  
20 pressure, threats, force, or coercion of any kind. A plea of  
21 guilty must be purely voluntary, and you should plead guilty  
22 only because you are guilty and for no other reason.

23           Do each of you understand all of my explanations  
24 about the process and the consequences of pleading guilty?

25           Mr. Rivera?

1           *DEFENDANT RIVERA:* Yes, sir.

2           *THE COURT:* Mr. Guy?

3           *DEFENDANT GUY:* Yes, sir.

4           *THE COURT:* Mr. Richardson?

5           *DEFENDANT RICHARDSON:* Yes, sir.

6           *THE COURT:* Mr. Clarke?

7           *DEFENDANT CLARKE:* Yes, sir.

8           *THE COURT:* Mr. Dupree?

9           *DEFENDANT DUPREE:* Yes, sir.

10          *THE COURT:* Mr. Edwards?

11          *DEFENDANT EDWARDS:* Yes, sir.

12          *THE COURT:* Under the Sentencing Reform Act of 1984,  
13 as that has been construed by our Supreme Court, the United  
14 States Sentencing Commission has issued advisory guidelines  
15 for judges to consider in determining the sentence in a  
16 criminal case.

17               Have each of you discussed with your attorney the  
18 charges against you, how federal sentencing works, and how  
19 those sentencing guidelines might apply in your case?

20               Have you done so, Mr. Rivera?

21           *DEFENDANT RIVERA:* Yes, sir.

22           *THE COURT:* Mr. Guy?

23           *DEFENDANT GUY:* Yes, sir.

24           *THE COURT:* Mr. Richardson?

25           *DEFENDANT RICHARDSON:* Yes, sir.



1           THE COURT: Mr. Clarke?

2           DEFENDANT CLARKE: Yes, sir.

3           THE COURT: Mr. Dupree?

4           DEFENDANT DUPREE: Yes, sir.

5           THE COURT: And Mr. Edwards?

6           DEFENDANT EDWARDS: Yes, sir.

7           THE COURT: Even so, I must inform you that in  
8 determining a sentence, it is the Court's obligation to  
9 calculate the applicable sentencing guideline range and to  
10 consider that range, along with any possible departures under  
11 the guidelines and any other sentencing factors under 18  
12 U.S.C. Section 3553(a).

13           The Court is not bound by facts that may be  
14 stipulated between you and your attorney on the one hand and  
15 the government on the other. The Court can impose punishment  
16 that might disregard stipulated facts or take into account  
17 facts that are not mentioned in stipulations, and in that  
18 event, you might not even be permitted to withdraw your plea  
19 of guilty.

20           The Court will not be able to determine the proper  
21 guideline range for your case until after that presentence  
22 report has been completed and both you and the government have  
23 had an opportunity to challenge the facts and the conclusions  
24 that are in that report.

25           After the Court has determined the proper guideline

1 range for your case, the Court has the authority to impose a  
2 sentence that is above, below, or within the guideline range,  
3 as long as the sentence imposed is reasonable and it's based  
4 upon the facts and the law.

5 You have the right to appeal the sentence the Court  
6 imposes, unless you waive that right.

7 And under some circumstances, the government also  
8 has the right to appeal.

9 Finally, I inform you that within our federal  
10 system, parole has been abolished, so that if you are  
11 sentenced to imprisonment, you will not be released on parole.

12 Do each of you understand all of the explanations  
13 I've given with regard to sentencing?

14 Mr. Rivera?

15 *DEFENDANT RIVERA:* Yes, sir.

16 *THE COURT:* Mr. Guy?

17 *DEFENDANT GUY:* Yes, sir.

18 *THE COURT:* Mr. Richardson?

19 *DEFENDANT RICHARDSON:* Yes, sir.

20 *THE COURT:* Mr. Clarke?

21 *DEFENDANT CLARKE:* Yes, sir.

22 *THE COURT:* Mr. Dupree?

23 *DEFENDANT DUPREE:* Yes, sir.

24 *THE COURT:* And Mr. Edwards?

25 *DEFENDANT EDWARDS:* Yes, sir.

1           THE COURT: All right. At this time, let me ask  
2 some more individualized questions.

3           First, how old are you?

4           Mr. Rivera?

5           DEFENDANT RIVERA: 18.

6           THE COURT: Mr. Guy?

7           DEFENDANT GUY: 36.

8           THE COURT: Mr. Richardson?

9           DEFENDANT RICHARDSON: 29.

10          THE COURT: Mr. Clarke?

11          DEFENDANT CLARKE: 21.

12          THE COURT: Mr. Dupree?

13          DEFENDANT DUPREE: 37.

14          THE COURT: Mr. Edwards?

15          DEFENDANT EDWARDS: 21.

16          THE COURT: And how far did each of you go in school  
17 with your formal education?

18          Mr. Rivera?

19          DEFENDANT RIVERA: I'm still in high school.

20          THE COURT: Mr. Guy?

21          DEFENDANT GUY: High school.

22          THE COURT: Mr. Richardson?

23          DEFENDANT RICHARDSON: GED in TDC.

24          THE COURT: Okay. Thank you.

25          Mr. Clarke?

1           *DEFENDANT CLARKE:* High school diploma.

2           *THE COURT:* Mr. Dupree?

3           *DEFENDANT DUPREE:* College.

4           *THE COURT:* Graduate college or some college?

5           *DEFENDANT DUPREE:* I have an associate's.

6           *THE COURT:* Okay. Thank you, sir.

7           And Mr. Edwards?

8           *DEFENDANT EDWARDS:* Tenth grade.

9           *THE COURT:* Are you currently or within the last six  
10 months have you been under the care of a physician or a  
11 psychiatrist?

12           Mr. Rivera?

13           *DEFENDANT RIVERA:* No, sir.

14           *THE COURT:* Okay. Mr. Guy?

15           *DEFENDANT GUY:* No, sir.

16           *THE COURT:* Mr. Richardson?

17           *DEFENDANT RICHARDSON:* No, sir.

18           *THE COURT:* Mr. Clarke?

19           *DEFENDANT CLARKE:* No, sir.

20           *THE COURT:* Mr. Dupree?

21           *DEFENDANT DUPREE:* No, sir.

22           *THE COURT:* How about you, Mr. Edwards?

23           *DEFENDANT EDWARDS:* No, sir.

24           *THE COURT:* Have any of you been recently  
25 hospitalized or treated for narcotics addiction or alcoholism?

1 Mr. Rivera?

2 DEFENDANT RIVERA: No, sir.

3 THE COURT: Mr. Guy?

4 DEFENDANT GUY: No, sir.

5 THE COURT: Mr. Richardson?

6 DEFENDANT RICHARDSON: No, sir.

7 THE COURT: Mr. Clarke?

8 DEFENDANT CLARKE: No, sir.

9 THE COURT: Mr. Dupree?

10 DEFENDANT DUPREE: No, sir.

11 THE COURT: And Mr. Edwards?

12 DEFENDANT EDWARDS: No, sir.

13 THE COURT: Are you now under the influence of  
14 alcohol or any narcotic drug?

15 Mr. Rivera?

16 DEFENDANT RIVERA: No, sir.

17 THE COURT: Mr. Guy?

18 DEFENDANT GUY: No, sir.

19 THE COURT: Mr. Richardson?

20 DEFENDANT RICHARDSON: No, sir.

21 THE COURT: Mr. Clarke?

22 DEFENDANT CLARKE: No, sir.

23 THE COURT: Mr. Dupree?

24 DEFENDANT DUPREE: No, sir.

25 THE COURT: Mr. Edwards?

1           *DEFENDANT EDWARDS:* No, sir.

2           *THE COURT:* Do any of you suffer from any emotional  
3 or mental disability?

4           Mr. Rivera?

5           *DEFENDANT RIVERA:* No, sir.

6           *THE COURT:* Mr. Guy?

7           *DEFENDANT GUY:* No, sir.

8           *THE COURT:* Mr. Richardson?

9           *DEFENDANT RICHARDSON:* No, sir.

10          *THE COURT:* Mr. Clarke?

11          *DEFENDANT CLARKE:* No, sir.

12          *THE COURT:* Mr. Dupree?

13          *DEFENDANT DUPREE:* No, sir.

14          *THE COURT:* Mr. Edwards?

15          *DEFENDANT EDWARDS:* No, sir.

16          *THE COURT:* Are you of sound mind and do you fully  
17 understand what it is we're doing here this morning?

18          Mr. Rivera?

19          *DEFENDANT RIVERA:* Yes, sir.

20          *THE COURT:* Mr. Guy?

21          *DEFENDANT GUY:* Yes, sir.

22          *THE COURT:* Mr. Richardson?

23          *DEFENDANT RICHARDSON:* Yes, sir.

24          *THE COURT:* Mr. Clarke?

25          *DEFENDANT CLARKE:* Yes, sir.

1           THE COURT: Mr. Dupree?

2           DEFENDANT DUPREE: Yes, sir.

3           THE COURT: Mr. Edwards?

4           DEFENDANT EDWARDS: Yes, sir.

5           THE COURT: Very well. Let me ask defense counsel:

6 Do you have any reason to believe your client is not fully  
7 competent to enter a plea of guilty?

8           Ms. Carreras?

9           MS. CARRERAS: I do not, Your Honor.

10          THE COURT: Mr. Luster?

11          MR. LUSTER: No, Your Honor.

12          THE COURT: Mr. Smythe?

13          MR. SMYTHE: No, Your Honor.

14          THE COURT: Mr. Gill?

15          MR. GILL: No, Your Honor.

16          THE COURT: Mr. Lancaster, as to either client?

17          MR. LANCASTER: No, Your Honor.

18          THE COURT: And then, do each of you believe that  
19 the guilty plea your client proposes to make will be a knowing  
20 and voluntary plea?

21          Ms. Carreras?

22          MS. CARRERAS: I do, Your Honor.

23          THE COURT: Mr. Luster?

24          MR. LUSTER: Yes, Your Honor.

25          THE COURT: Mr. Smythe?

1           MR. SMYTHE: Yes, Your Honor.

2           THE COURT: Mr. Gill?

3           MR. GILL: Yes, Your Honor.

4           THE COURT: And Mr. Lancaster, as to both?

5           MR. LANCASTER: Yes, Your Honor.

6           THE COURT: Defendants Rivera, Guy, Clarke, and  
7 Dupree, each of you are pleading today pursuant to an  
8 information filed against you, so I need to go over that  
9 process with those defendants for just a few moments.

10           Each of you are charged with a felony offense, and  
11 under the United States Constitution, you may not be charged  
12 with a felony unless a grand jury finds by the return of an  
13 indictment that there's probable cause to believe that the  
14 felony offense occurred and that you committed it.

15           However, you may waive your right to indictment by  
16 the grand jury and consent to being charged by way of an  
17 information that's filed by the United States Attorney's  
18 Office. The felony charges against those defendants I named  
19 have been brought by the filing of just such an information.

20           If you do not waive indictment and the government  
21 wishes to pursue these charges against you, then the  
22 government must present its case to a grand jury and request  
23 the grand jury to return an indictment on those charges.

24           A grand jury is composed of at least 16 but not more  
25 than 23 persons, and at least 12 grand jurors must find that



1 there's probable cause to believe you committed the offense  
2 with which you are charged before you would be indicted.

3 So, a grand jury might or it might not indict you on  
4 these charges, but if you waive indictment by the grand jury,  
5 the case will proceed against you based on the information  
6 filed by the United States Attorney just as though you have  
7 been indicted.

8 So, let me ask you: Have each of you discussed with  
9 your attorney the matter of waiving your right to indictment  
10 by the grand jury, and do you fully understand that right?

11 Mr. Rivera?

12 *DEFENDANT RIVERA:* Yes, sir.

13 *THE COURT:* Mr. Guy?

14 *DEFENDANT GUY:* Yes, sir.

15 *THE COURT:* Mr. Clarke?

16 *DEFENDANT CLARKE:* Yes, sir.

17 *THE COURT:* And Mr. Dupree?

18 *DEFENDANT DUPREE:* Yes, sir.

19 *THE COURT:* Have any threats or promises been made  
20 in an effort to induce you to waive indictment?

21 Mr. Rivera?

22 *DEFENDANT RIVERA:* No, sir.

23 *THE COURT:* Mr. Guy?

24 *DEFENDANT GUY:* No, sir.

25 *THE COURT:* Mr. Clarke?

1           *DEFENDANT CLARKE:* No, sir.

2           *THE COURT:* Mr. Dupree?

3           *DEFENDANT DUPREE:* No, sir.

4           *THE COURT:* All right. Thank you.

5           And do you wish to waive your right to indictment by  
6 the grand jury?

7           Mr. Rivera?

8           *DEFENDANT RIVERA:* Yes, sir.

9           *THE COURT:* Mr. Guy?

10          *DEFENDANT GUY:* Yes, sir.

11          *THE COURT:* Mr. Clarke?

12          *DEFENDANT CLARKE:* Yes, sir.

13          *THE COURT:* And Mr. Dupree?

14          *DEFENDANT DUPREE:* Yes, sir.

15          *THE COURT:* To defense counsel: Do you see any  
16 reason why your client should not waive indictment?

17          Ms. Carreras?

18          *MS. CARRERAS:* No, Your Honor.

19          *THE COURT:* Mr. Luster?

20          *MR. LUSTER:* No, Your Honor.

21          *THE COURT:* Mr. Gill?

22          *MR. GILL:* No, Your Honor.

23          *THE COURT:* Mr. Lancaster?

24          *MR. LANCASTER:* No, Your Honor.

25          *THE COURT:* And is such waiver consistent with your

1 advice?

2 Ms. Carreras?

3 *MS. CARRERAS:* It is, Your Honor.

4 *THE COURT:* Mr. Luster?

5 *MR. LUSTER:* Yes, Your Honor.

6 *THE COURT:* Mr. Gill?

7 *MR. GILL:* It is.

8 *THE COURT:* And Mr. Lancaster?

9 *MR. LANCASTER:* Yes, Your Honor.

10 *THE COURT:* Finally, on this topic, there's a  
11 written waiver of indictment form that has been provided to  
12 the Court in each of those cases.

13 Mr. Rivera, yours is dated March 1 of 2022,  
14 apparently when you and Ms. Carreras signed yours.

15 March 10 is the date on yours, Mr. Guy.

16 March 22nd on yours, Mr. Clarke.

17 And it looks like today's date on yours, Mr. Dupree.

18 I just want to confirm: It's your signature on the  
19 written waiver of indictment form?

20 Mr. Rivera?

21 *DEFENDANT RIVERA:* Yes, sir.

22 *THE COURT:* Mr. Guy?

23 *DEFENDANT GUY:* Yes, sir.

24 *THE COURT:* Mr. Clarke?

25 *DEFENDANT CLARKE:* Yes, sir.

1           THE COURT: And Mr. Dupree?

2           DEFENDANT DUPREE: Yes, sir.

3           THE COURT: Okay. I find that each of those  
4 defendants has knowingly and voluntarily waived his right to  
5 indictment by the grand jury, and it is accepted here in open  
6 court by myself. I will order that those written waivers be  
7 filed with the other papers in your case.

8           Have you received a copy of your one-count  
9 information, Mr. Rivera?

10          DEFENDANT RIVERA: Yes, sir.

11          THE COURT: Your two-count information in your case,  
12 Mr. Guy?

13          DEFENDANT GUY: Yes, sir.

14          THE COURT: Have you received your two-count  
15 indictment in your case, Mr. Richardson?

16          DEFENDANT RICHARDSON: Yes, sir.

17          THE COURT: Your two-count information in your case,  
18 Mr. Clarke?

19          DEFENDANT CLARKE: Yes, sir.

20          THE COURT: Your one-count superseding information  
21 in your case, Mr. Dupree?

22          DEFENDANT DUPREE: Yes, sir.

23          THE COURT: And you received a copy of the  
24 three-count indictment in your case, Mr. Edwards?

25          DEFENDANT EDWARDS: Yes, sir.

1           *THE COURT:* Have each of you read the indictment or  
2 had it read to you -- or information, sorry. Let me start  
3 over.

4           Have each of you read your charges, or had them read  
5 to you, and do you fully understand the nature of the charges  
6 against you?

7           Mr. Rivera?

8           *DEFENDANT RIVERA:* Yes, sir.

9           *THE COURT:* Mr. Guy?

10          *DEFENDANT GUY:* Yes, sir.

11          *THE COURT:* Mr. Richardson?

12          *DEFENDANT RICHARDSON:* Yes, sir.

13          *THE COURT:* Mr. Clarke?

14          *DEFENDANT CLARKE:* Yes, sir.

15          *THE COURT:* Mr. Dupree?

16          *DEFENDANT DUPREE:* Yes, sir.

17          *THE COURT:* And Mr. Edwards?

18          *DEFENDANT EDWARDS:* Yes, sir.

19          *THE COURT:* It would be appropriate at this time for  
20 the United States Attorney to read the counts of the  
21 information or indictment that you intend to plead to here  
22 into the record; however, because you understand the charges  
23 against you, as a time-saving matter, I will allow you to  
24 waive the reading of your charges.

25          Do you wish to waive that reading?

1 Mr. Rivera?

2 DEFENDANT RIVERA: Yes, sir.

3 THE COURT: Mr. Guy?

4 DEFENDANT GUY: Yes, sir.

5 THE COURT: Mr. Richardson?

6 DEFENDANT RICHARDSON: Yes, sir.

7 THE COURT: Mr. Clarke?

8 DEFENDANT CLARKE: Yes, sir.

9 THE COURT: Mr. Dupree?

10 DEFENDANT DUPREE: Yes, sir.

11 THE COURT: And Mr. Edwards?

12 DEFENDANT EDWARDS: Yes, sir.

13 THE COURT: I will not require the charges to be  
14 read.

15 You also have the right to have explained to you  
16 what are called the essential elements of your offense. This  
17 is what the government would be required to prove at your  
18 trial.

19 These are set forth in a factual resume in each case  
20 that we'll talk about again a little bit later, but if you  
21 want to look on, these essential elements are in that factual  
22 resume.

23 I'm going to call upon the United States Attorney to  
24 set forth the essential elements in each case for the charge  
25 to which the defendant proposes to plead. You may group these

1 as appropriate.

2 And I ask the defendants, please listen carefully as  
3 your case is called.

4 *MR. THOMAS:* As to Mr. Brandon Rivera, the elements  
5 the government must prove as to Count 1 are:

6 First, that the defendant and at least one other  
7 person agreed to transfer a firearm in violation of the  
8 National Firearms Act, as charged in the information.

9 Second, that the defendant knew the unlawful purpose  
10 of the agreement and joined in it willfully, that is, with the  
11 intent to further the unlawful purpose.

12 And third, that at least one of the conspirators,  
13 during the existence of the conspiracy, knowingly committed at  
14 least one overt act in order to accomplish some object or  
15 purpose of the conspiracy.

16 In addition, the essential elements of the object of  
17 the conspiracy, transfer of firearms in violation of the  
18 National Firearms Act, are:

19 First, that the defendant knowingly transferred a  
20 firearm.

21 Second, that the firearm was a machine gun, as  
22 defined in 26 U.S.C. Section 5845(b).

23 Third, that the defendant knew of the  
24 characteristics of the firearm, namely, that it was a part  
25 designed and intended solely and exclusively, or a combination

1 of parts designed and intended, for use in converting a weapon  
2 into a machine gun.

3 Fourth, that the firearm was or could readily have  
4 been put in operating condition.

5 And fifth, that prior to transferring the firearm,  
6 the defendant did not submit an application, obtain approval,  
7 or pay the requisite tax as required by 26 U.S.C. Sections  
8 5811 through 12, and it does not matter whether the defendant  
9 knew that application, approval, and payment of a tax was  
10 required.

11 *THE COURT:* Mr. Rivera, do you understand and admit  
12 that you committed all of the essential elements of that  
13 offense?

14 *DEFENDANT RIVERA:* Yes, sir.

15 *THE COURT:* All right.

16 *MR. THOMAS:* As to Mr. Guy, the government -- the  
17 essential elements that the government must prove as to Count  
18 1 are:

19 That the defendant and at least one other person  
20 made an agreement to commit the crime of wire fraud in  
21 violation of 18 U.S.C. Section 1343, as charged in the  
22 superseding information.

23 Second, that the defendant knew the unlawful purpose  
24 of the agreement and joined in it willfully, that is, with the  
25 intent to further the unlawful purpose.



1           And third, that one of the conspirators, during the  
2           existence of the conspiracy, knowingly committed at least one  
3           of the overt acts described in the superseding information in  
4           order to accomplish some object or purpose of the conspiracy.

5           In addition, the elements of wire fraud, the object  
6           of the Count 1 offense are:

7           First, that a scheme to defraud existed.

8           Second, that the scheme to defraud employed false  
9           material representations or pretenses.

10          Third, that the defendant transmitted or caused to  
11          be transmitted by way of wire communications in interstate or  
12          foreign commerce any writing, signal, or sound for the purpose  
13          of executing such scheme.

14          And fourth, that the defendant acted with a specific  
15          intent to defraud.

16          In addition, as to Count 2, the elements that the  
17          government must prove are as follows:

18          First, that the defendant knowingly transferred --

19          *THE COURT:* Let me stop you for just a second. I'm  
20          looking at the factual resume, and it only sets forth Count 1,  
21          I believe, doesn't it, or is it both -- it is Counts 1 and 2,  
22          I'm sorry. That's my mistake. Please continue.

23          *MR. THOMAS:* As to Count 2, the essential elements  
24          are:

25          First, that the defendant knowingly transferred,

1 possessed, or used a means of identification of another  
2 person.

3 Second, that the defendant did so without lawful  
4 authority.

5 Third, that the defendant transferred, possessed, or  
6 used the means of identification of another person during and  
7 in relation to wire fraud, in violation of 18 U.S.C. Section  
8 1343.

9 And fourth, that the defendant knew that the means  
10 of identification belonged to another real person, living or  
11 dead.

12 *THE COURT:* All right. Thank you.

13 Mr. Guy, do you understand and admit that you  
14 committed all of the essential elements of those offenses?

15 *DEFENDANT GUY:* Yes, sir.

16 *THE COURT:* Okay.

17 *MR. THOMAS:* As to Mr. Richardson, the essential  
18 elements which must be proved in order to establish the  
19 offense charged in Count 2 of the indictment are:

20 First, that the defendant attempted to or did obtain  
21 property from another without the person's consent.

22 Second, that the defendant did so by wrongful use of  
23 actual or threatened force, violence, or fear.

24 And third, that the defendant's conduct in any way  
25 or degree obstructed or affected commerce.

1           *THE COURT:* Mr. Richardson, do you understand and  
2 admit that you committed all of the essential elements of that  
3 offense?

4           *DEFENDANT RICHARDSON:* Yes, sir.

5           *MR. THOMAS:* As to Mr. Clarke, the elements that  
6 must be proved as to Count 1 of the information are:

7                     First, that the defendant committed a  
8 drug-trafficking crime.

9                     Second, that the defendant knowingly used or carried  
10 a firearm during and in relation to the defendant's commission  
11 of the drug-trafficking crime.

12                    In addition, the elements of the drug-trafficking  
13 crime at issue are:

14                     First, that the defendant knowingly possessed a  
15 controlled substance.

16                     Second, that the substance was, in fact, alprazolam.

17                     And third, that the defendant possessed the  
18 substance with intent to distribute it.

19                    In addition, as to Count 2 of the information, the  
20 elements the government must prove are:

21                     First, that the defendant knowingly possessed a  
22 machine gun.

23                     And second, the defendant knew or was aware of the  
24 essential characteristics of the firearm, which made it a  
25 machine gun as defined by Section 921(a).

1           *THE COURT:* Mr. Clarke, do you understand and admit  
2 that you committed all of the essential elements of the  
3 offenses against you?

4           *DEFENDANT CLARKE:* Yes, sir.

5           *MR. THOMAS:* As to Mr. Dupree, the elements which  
6 must be proved in order to establish Count 1 of the  
7 superseding information are:

8           First, that the defendant knowingly possessed a  
9 firearm as charged.

10          Second, that the firearm was stolen.

11          Third, that the defendant knew the firearm was  
12 stolen.

13          And fourth, that the firearm possessed traveled in  
14 and affected interstate or foreign commerce, that is, before  
15 the defendant possessed the firearm, it had traveled at some  
16 time from one state to another or between any part of the  
17 United States and any other country.

18          *THE COURT:* All right. Mr. Dupree, do you  
19 understand and admit that you committed all of the essential  
20 elements of that offense, sir?

21          *DEFENDANT DUPREE:* Yes, sir.

22          *MR. THOMAS:* And as to Mr. Edwards, the elements  
23 that must be proven to establish Count 1 of the indictment  
24 are:

25          First, that the defendant and at least one other

1 person agreed to commit the crime of affecting commerce by  
2 robbery, as charged in the indictment.

3 Second, that the defendant knew the unlawful purpose  
4 of the agreement and joined in it willfully, that is, with the  
5 intent to further the unlawful purpose.

6 Third, that the robbery contemplated by the  
7 agreement would affect interstate or foreign commerce in some  
8 way.

9 And fourth, that one of the conspirators, during the  
10 existence of the conspiracy, knowingly committed at least one  
11 of the overt acts described in the indictment in order to  
12 accomplish some object or purpose of the conspiracy.

13 *THE COURT:* Mr. Edwards, do you understand and admit  
14 that you committed all of the essential elements of that  
15 offense?

16 *DEFENDANT EDWARDS:* Yes, sir.

17 *THE COURT:* Each of you have -- well, each of you  
18 are appearing here today with your counsel. You've indicated  
19 to me that you've discussed with your attorney the charges  
20 against you, the matter of federal sentencing, and how the  
21 sentencing guidelines might apply in your case.

22 Are each of you fully satisfied with the legal  
23 representation and advice that you've received from your  
24 attorney in your case?

25 Mr. Rivera?

1           *DEFENDANT RIVERA:* Yes, sir.

2           *THE COURT:* Mr. Guy?

3           *DEFENDANT GUY:* Yes, sir.

4           *THE COURT:* Mr. Richardson?

5           *DEFENDANT RICHARDSON:* Yes, sir.

6           *THE COURT:* Mr. Clarke?

7           *DEFENDANT CLARKE:* Yes, sir.

8           *THE COURT:* Mr. Dupree?

9           *DEFENDANT DUPREE:* Yes, sir.

10          *THE COURT:* And Mr. Edwards?

11          *DEFENDANT EDWARDS:* Yes, sir.

12          *THE COURT:* There are plea agreements in all but  
13 Mr. Richardson's case, so I need to go over some documents  
14 with the other defendants that I have been presented.

15                 So, I have a plea agreement with waiver of appeal  
16 for Mr. Rivera. I do not see a supplement in that matter.

17                 For Mr. Guy, I have a plea agreement with waiver of  
18 appeal, along with a plea agreement supplement.

19                 For Mr. Clarke, I have a plea agreement with waiver  
20 of appeal, also a plea agreement supplement.

21                 For Mr. Dupree, yours is entitled plea agreement.

22                 And for Mr. Edwards, it's entitled plea agreement  
23 with waiver of appeal, and there is a supplement in your case  
24 as well.

25                 So, for these next questions, when I refer to your

1 plea agreement or plea documents, those are the documents in  
2 each case that I'm referring to.

3 So, first, is it your signature that appears on your  
4 plea documents?

5 Mr. Rivera?

6 *DEFENDANT RIVERA:* Yes, sir.

7 *THE COURT:* Mr. Guy?

8 *DEFENDANT GUY:* Yes, sir.

9 *THE COURT:* Mr. Clarke?

10 *DEFENDANT CLARKE:* Yes, sir.

11 *THE COURT:* Mr. Dupree?

12 *DEFENDANT DUPREE:* Yes, sir.

13 *THE COURT:* And Mr. Edwards?

14 *DEFENDANT EDWARDS:* Yes, sir.

15 *THE COURT:* Did each of you read or have read to you  
16 your plea documents, and do you fully understand these  
17 documents?

18 Mr. Rivera?

19 *DEFENDANT RIVERA:* Yes, sir.

20 *THE COURT:* Mr. Guy?

21 *DEFENDANT GUY:* Yes, sir.

22 *THE COURT:* Mr. Clarke?

23 *DEFENDANT CLARKE:* Yes, sir.

24 *THE COURT:* Mr. Dupree?

25 *DEFENDANT DUPREE:* Yes, sir.

1           THE COURT: And Mr. Edwards?

2           DEFENDANT EDWARDS: Yes, sir.

3           THE COURT: By placing your signature upon the plea  
4 documents, are you asking the Court to accept and approve your  
5 agreement with the government?

6           Mr. Rivera?

7           DEFENDANT RIVERA: Yes, sir.

8           THE COURT: Mr. Guy?

9           DEFENDANT GUY: Yes, sir.

10          THE COURT: Mr. Clarke?

11          DEFENDANT CLARKE: Yes, sir.

12          THE COURT: Mr. Dupree?

13          DEFENDANT DUPREE: Yes, sir.

14          THE COURT: And Mr. Edwards?

15          DEFENDANT EDWARDS: Yes, sir.

16          THE COURT: Each of the plea agreements does have a  
17 waiver of appeal paragraph. It is paragraph 13 for  
18 Mr. Rivera; 12 in yours, Mr. Guy; and yours, Mr. Clarke; also  
19 12 for you, Mr. Dupree; and paragraph 12 in yours,  
20 Mr. Edwards.

21               I simply want to direct your attention specifically  
22 to the waiver of appeal paragraph to ask:

23               Did you read and fully understand the waiver of  
24 appeal paragraph and did you discuss it with your attorney?

25               Mr. Rivera?



1           *DEFENDANT RIVERA:* Yes, sir.

2           *THE COURT:* Mr. Guy?

3           *DEFENDANT GUY:* Yes, sir.

4           *THE COURT:* Mr. Clarke?

5           *DEFENDANT CLARKE:* Yes, sir.

6           *THE COURT:* Mr. Dupree?

7           *DEFENDANT DUPREE:* Yes, sir.

8           *THE COURT:* And Mr. Edwards?

9           *DEFENDANT EDWARDS:* Yes, sir.

10           *THE COURT:* Do you knowingly and voluntarily waive  
11 your right to appeal as set forth in that paragraph of your  
12 plea agreement?

13           Mr. Rivera?

14           *DEFENDANT RIVERA:* Yes, sir.

15           *THE COURT:* Mr. Guy?

16           *DEFENDANT GUY:* Yes, sir.

17           *THE COURT:* Mr. Clarke?

18           *DEFENDANT CLARKE:* Yes, sir.

19           *THE COURT:* Mr. Dupree?

20           *DEFENDANT DUPREE:* Yes, sir.

21           *THE COURT:* And Mr. Edwards?

22           *DEFENDANT EDWARDS:* Yes, sir.

23           *THE COURT:* Are all of the terms of your agreement  
24 with the government set forth in the plea agreement and any  
25 supplement?

1 Mr. Rivera?

2 DEFENDANT RIVERA: Yes, sir.

3 THE COURT: Mr. Guy?

4 DEFENDANT GUY: Yes, sir.

5 THE COURT: Mr. Clarke?

6 DEFENDANT CLARKE: Yes, sir.

7 THE COURT: Mr. Dupree?

8 DEFENDANT DUPREE: Yes, sir.

9 THE COURT: And Mr. Edwards?

10 DEFENDANT EDWARDS: Yes, sir.

11 THE COURT: And did you voluntarily and of your own  
12 free will enter into this plea agreement with the government?

13 Mr. Rivera?

14 DEFENDANT RIVERA: Yes, sir.

15 THE COURT: Mr. Guy?

16 DEFENDANT GUY: Yes, sir.

17 THE COURT: Mr. Clarke?

18 DEFENDANT CLARKE: Yes, sir.

19 THE COURT: Mr. Dupree?

20 DEFENDANT DUPREE: Yes, sir.

21 THE COURT: And Mr. Edwards?

22 DEFENDANT EDWARDS: Yes, sir.

23 THE COURT: Finally, other than the written plea  
24 agreement and supplement, has anyone made any promise or  
25 assurance to you of any kind in an effort to induce you to

1 enter a plea of guilty in your case?

2 Mr. Rivera?

3 *DEFENDANT RIVERA:* No, sir.

4 *THE COURT:* Mr. Guy?

5 *DEFENDANT GUY:* No, sir.

6 *THE COURT:* Mr. Clarke?

7 *DEFENDANT CLARKE:* No, sir.

8 *THE COURT:* Mr. Dupree?

9 *DEFENDANT DUPREE:* No, sir.

10 *THE COURT:* Mr. Edwards?

11 *DEFENDANT EDWARDS:* No, sir.

12 *THE COURT:* For you, Mr. Richardson, has anyone made  
13 any promise or assurance to you of any kind --

14 *DEFENDANT RICHARDSON:* No, sir.

15 *THE COURT:* -- in an effort to induce you to enter a  
16 plea of guilty?

17 *DEFENDANT RICHARDSON:* No, sir.

18 *THE COURT:* I'm going to order the filing of the  
19 plea agreements and the supplements in those other cases to  
20 the extent not already on file.

21 Let me ask all defendants: Has anyone mentally,  
22 physically, or in any other way attempted to force you to  
23 plead guilty in your case?

24 Mr. Rivera?

25 *DEFENDANT RIVERA:* No, sir.

1           THE COURT: Mr. Guy?

2           DEFENDANT GUY: No, sir.

3           THE COURT: Mr. Richardson?

4           DEFENDANT RICHARDSON: No, sir.

5           THE COURT: Mr. Clarke?

6           DEFENDANT CLARKE: No, sir.

7           THE COURT: Mr. Dupree?

8           DEFENDANT DUPREE: No, sir.

9           THE COURT: Mr. Edwards?

10          DEFENDANT EDWARDS: No, sir.

11          THE COURT: Are you a citizen of these United  
12 States?

13          Mr. Rivera?

14          DEFENDANT RIVERA: Yes, sir.

15          THE COURT: Mr. Guy?

16          DEFENDANT GUY: Yes, sir.

17          THE COURT: Mr. Richardson?

18          DEFENDANT RICHARDSON: Yes, sir.

19          THE COURT: And Mr. Clarke?

20          DEFENDANT CLARKE: Yes, sir.

21          THE COURT: Mr. Dupree?

22          DEFENDANT DUPREE: Yes, sir.

23          THE COURT: Mr. Edwards?

24          DEFENDANT EDWARDS: Yes, sir.

25          THE COURT: Since you're all citizens, I need to

1 inform you that the offense to which you're pleading guilty is  
2 a felony, and conviction of a felony may deprive you of  
3 valuable rights of citizenship, such as the right to vote, to  
4 ever hold public office or serve on a jury, to ever possess  
5 any kind of firearm, and other valuable rights.

6 Do each of you understand that consequence?

7 Mr. Rivera?

8 *DEFENDANT RIVERA:* Yes, sir.

9 *THE COURT:* Mr. Guy?

10 *DEFENDANT GUY:* Yes, sir.

11 *THE COURT:* Mr. Richardson?

12 *DEFENDANT RICHARDSON:* Yes, sir.

13 *THE COURT:* Mr. Clarke?

14 *DEFENDANT CLARKE:* Yes, sir.

15 *THE COURT:* Mr. Dupree?

16 *DEFENDANT DUPREE:* Yes, sir.

17 *THE COURT:* And Mr. Edwards?

18 *DEFENDANT EDWARDS:* Yes, sir.

19 *THE COURT:* At this time, I'll call upon Mr. Thomas  
20 to set forth the potential penalties for and consequences of  
21 conviction in each case for the charge or charges to which  
22 each defendant proposes to plead guilty.

23 Please, again, listen carefully as your case is  
24 called.

25 *MR. THOMAS:* As to Mr. Rivera, the penalties the

1 Court can impose are:

2 Imprisonment for a period not to exceed 5 years; a  
3 fine not to exceed \$250,000; a term of supervised release of  
4 not more than 3 years, which may be mandatory under the law  
5 and will follow any term of imprisonment; and if the defendant  
6 violates any condition of supervised release, the Court may  
7 revoke such release term and require the defendant to serve an  
8 additional period of confinement; a mandatory special  
9 assessment of \$100; forfeiture of firearms and ammunition; and  
10 costs of incarceration and supervision.

11 *THE COURT:* Mr. Rivera, do you understand that if  
12 you plead guilty, you may be subject to those penalties and  
13 consequences just explained?

14 *DEFENDANT RIVERA:* Yes, sir.

15 *THE COURT:* Thank you.

16 *MR. THOMAS:* As to Mr. Guy, the penalties the Court  
17 can impose as to Count 1 include:

18 Imprisonment for a period not to exceed 5 years; a  
19 fine not to exceed \$250,000, or twice any pecuniary gain to  
20 the defendant or loss to the victims; a term of supervised  
21 release not to exceed 3 years, which may be mandatory under  
22 the law and will follow any term of imprisonment; if the  
23 defendant violates any condition of supervised release, the  
24 Court may revoke such release term and require that the  
25 defendant serve any or all of such term as an additional

1 period of confinement; a mandatory special assessment of \$100;  
2 restitution to victims or to the community, which may be  
3 mandatory under the law, and which the defendant agrees may  
4 include restitution arising from all relevant conduct;  
5 forfeiture; and costs of incarceration and supervision.

6 In addition, the penalties the Court can impose on  
7 Count 2 include:

8 A mandatory term of imprisonment of 2 years to run  
9 consecutively to any other term of imprisonment imposed by the  
10 Court; a fine not to exceed \$250,000, or twice any pecuniary  
11 gain to the defendant or loss to the victims; a term of  
12 supervised release not to exceed 1 year, which may be  
13 mandatory under the law and will follow any term of  
14 imprisonment; if the defendant violates any condition of  
15 supervised release, the Court may revoke such release term and  
16 require that the defendant serve any or all of such term as an  
17 additional period of confinement; a mandatory special  
18 assessment of \$100; restitution to victims or to the  
19 community, which may be mandatory under the law, and which the  
20 defendant agrees may include restitution arising from all  
21 relevant conduct; costs of incarceration and supervision; and  
22 forfeiture of property.

23 *THE COURT:* Mr. Guy, do you understand that if you  
24 plead guilty, you may be subject to those penalties and the  
25 consequences just explained?

1           *DEFENDANT GUY:* Yes, sir.

2           *MR. THOMAS:* As to Mr. Richardson, the maximum  
3 penalties include:

4           Not more than 20 years of imprisonment; a \$250,000  
5 fine; a term of supervised release of not more than 3 years;  
6 if the defendant violates any condition of supervised release,  
7 the Court may revoke such term and require the defendant to  
8 serve an additional period of confinement; in addition, the  
9 Court must impose a mandatory special assessment of \$100.

10          *THE COURT:* Okay. Mr. Richardson, do you understand  
11 that if you plead guilty, you may be subject to those  
12 penalties and consequences just explained?

13          *DEFENDANT RICHARDSON:* Yes, sir.

14          *MR. THOMAS:* As to Mr. Clarke, the maximum penalties  
15 the Court can impose as to Count 1 include:

16           Imprisonment for a period of not less -- sorry, of  
17 at least 5 years, but not more than life, to be run  
18 consecutively with any other sentence; a fine not to exceed  
19 \$250,000, or twice any pecuniary gain to the defendant or loss  
20 to the victims; a term of supervised release not to exceed 5  
21 years, which may be mandatory under the law and will follow  
22 any term of imprisonment; if the defendant violates any  
23 condition of supervised release, the Court may revoke such  
24 release term and require that the defendant serve any or all  
25 of such term as an additional period of confinement; a



1 mandatory special assessment of \$100; forfeiture; and costs of  
2 incarceration and supervision.

3 In addition, the maximum penalties the Court can  
4 impose as to Count 2 include:

5 Imprisonment for a period not to exceed 10 years; a  
6 fine not to exceed \$250,000, or both a fine and imprisonment;  
7 a term of supervised release not to exceed 3 years, which may  
8 be mandatory under the law and will follow any term of  
9 imprisonment; if the defendant violates any condition of  
10 supervised release, the Court may revoke such release term and  
11 require that the defendant serve any or all of such term as an  
12 additional period of confinement; a mandatory special  
13 assessment of \$100; forfeiture; and costs of incarceration and  
14 supervision.

15 *THE COURT:* Mr. Clarke, do you understand that if  
16 you plead guilty, you may be subject to those penalties and  
17 consequences just explained?

18 *DEFENDANT CLARKE:* Yes, sir.

19 *MR. THOMAS:* As to Mr. Dupree, the maximum penalties  
20 the Court can impose include:

21 A \$250,000 fine; and not more than 10 years  
22 imprisonment; plus a term of supervised release of not more  
23 than 3 years; if the defendant violates any condition of  
24 supervised release, the Court may revoke such term of  
25 supervised release and require the defendant to serve an

1 additional period of confinement; further, the Court must  
2 impose a mandatory special assessment of \$100.

3 *THE COURT:* Mr. Dupree, do you understand that if  
4 you plead guilty, you may be subject to those penalties and  
5 consequences just explained?

6 *DEFENDANT DUPREE:* Yes, sir.

7 *MR. THOMAS:* And as to Mr. Edwards, the penalties  
8 the Court can impose as to Count 1 are:

9 Imprisonment for a period of not more than 20 years;  
10 a fine not to exceed \$250,000, or twice any pecuniary gain to  
11 the defendant or loss to the victims; a term of supervised  
12 release of not more than 3 years, which may be mandatory under  
13 the law and will follow any term of imprisonment; if the  
14 defendant violates the conditions of supervised release, the  
15 Court may revoke such release term and require that the  
16 defendant serve any or all of such term as an additional  
17 period of confinement; a mandatory special assessment of \$100;  
18 restitution to victims or to the community, which may be  
19 mandatory under the law, and which the defendant agrees may  
20 include restitution arising from all relevant conduct, not  
21 limited to that arising from the offense of conviction alone;  
22 and costs of incarceration and supervision.

23 *THE COURT:* All right. Mr. Edwards, do you  
24 understand that if you plead guilty, you may be subject to  
25 those penalties and consequences just explained?

1           *DEFENDANT EDWARDS:* Yes, sir.

2           *THE COURT:* To all defendants: Do you understand  
3 that if the sentence you receive is more severe than you might  
4 expect, you'll still be bound by your plea of guilty and  
5 you'll have no right to withdraw it?

6           Do you understand, Mr. Rivera?

7           *DEFENDANT RIVERA:* Yes, sir.

8           *THE COURT:* Mr. Guy?

9           *DEFENDANT GUY:* Yes, sir.

10          *THE COURT:* Mr. Richardson?

11          *DEFENDANT RICHARDSON:* Yes, sir.

12          *THE COURT:* Mr. Clarke?

13          *DEFENDANT CLARKE:* Yes, sir.

14          *THE COURT:* Mr. Dupree?

15          *DEFENDANT DUPREE:* Yes, sir.

16          *THE COURT:* And Mr. Edwards?

17          *DEFENDANT EDWARDS:* Yes, sir.

18          *THE COURT:* In each of the plea agreements I was  
19 reviewing, it does have language including a promise by the  
20 government to dismiss other charges against you and/or not to  
21 bring additional charges. So, I inform you that the district  
22 court must decide whether to accept your plea agreement, and  
23 if the Court were to reject it, you would then have an  
24 opportunity to withdraw your guilty plea and change it to not  
25 guilty.

1 I know that we've talked about a lot up to this  
2 point.

3 Do any of you have any questions for your attorney  
4 or for me about anything that we've talked about?

5 Mr. Rivera?

6 *DEFENDANT RIVERA:* No, sir.

7 *THE COURT:* Mr. Guy?

8 *DEFENDANT GUY:* No, sir.

9 *THE COURT:* Mr. Richardson?

10 *DEFENDANT RICHARDSON:* No, sir.

11 *THE COURT:* Mr. Clarke?

12 *DEFENDANT CLARKE:* No, sir.

13 *THE COURT:* Mr. Dupree?

14 *DEFENDANT DUPREE:* No, sir.

15 *THE COURT:* Mr. Edwards?

16 *DEFENDANT EDWARDS:* No, sir.

17 *THE COURT:* Then having heard all of the foregoing,  
18 I ask you:

19 How do you plead to the one-count information  
20 against you, Mr. Rivera, guilty or not guilty?

21 *DEFENDANT RIVERA:* I plead guilty.

22 *THE COURT:* How do you plead to Counts 1 and 2 of  
23 the information filed against you, Mr. Guy, guilty or not  
24 guilty?

25 *DEFENDANT GUY:* Guilty.

1           *THE COURT:* I enter a plea of guilty as to each of  
2 those counts in your case.

3           *MR. LUSTER:* Your Honor, sorry to interrupt. Just  
4 to be clear, that's the superseding information, correct?

5           *THE COURT:* I just had it listed as an information.  
6 Is it a superseding? Was there an information and it's been  
7 superseded?

8           *MR. LUSTER:* Yes, Your Honor.

9           *MR. THOMAS:* Yeah, that's correct, Your Honor.

10          *THE COURT:* Okay. Thank you for pointing that out.  
11 So, that does apply for the superseding information. I enter  
12 the guilty plea for each of those counts.

13          Mr. Richardson, how do you plead to Count 2 of the  
14 two-count indictment against you in your case, sir?

15          *DEFENDANT RICHARDSON:* Guilty.

16          *THE COURT:* And that's just to that count, am I  
17 correct, Mr. Smythe?

18          *MR. SMYTHE:* Yes, Your Honor.

19          *THE COURT:* So I enter a plea of guilty to Count 2  
20 only for Mr. Richardson.

21          Mr. Clarke, how do you plead to Counts 1 and 2 of  
22 the information against you, sir?

23          *DEFENDANT CLARKE:* Guilty.

24          *THE COURT:* All right. I enter a plea of guilty as  
25 to each of those counts.

1           Mr. Dupree, how do you plead to the one-count  
2 superseding information against you, guilty or not guilty?

3           *DEFENDANT DUPREE:* Guilty, sir.

4           *THE COURT:* Okay. And finally, Mr. Edwards, how do  
5 you plead to Count 1 of the three-count indictment against you  
6 in your case, guilty or not guilty?

7           *DEFENDANT EDWARDS:* Guilty.

8           *THE COURT:* I enter a plea of guilty to Count 1 in  
9 your case.

10          To defense counsel: Is the guilty plea of your  
11 client consistent with your legal advice?

12          Ms. Carreras?

13          *MS. CARRERAS:* It is, Your Honor.

14          *THE COURT:* Mr. Luster?

15          *MR. LUSTER:* Yes, Your Honor.

16          *THE COURT:* Mr. Smythe?

17          *MR. SMYTHE:* Yes, Your Honor.

18          *THE COURT:* Mr. Gill?

19          *MR. GILL:* It is.

20          *THE COURT:* Mr. Lancaster, as to both of your  
21 clients?

22          *MR. LANCASTER:* Yes, Your Honor.

23          *THE COURT:* Then I will accept each of the pleas of  
24 guilty I've received on the condition that there's a factual  
25 basis to support such pleas.

1 I have been provided, in each case, a factual resume  
2 to accomplish that. Each of these factual resumes appear to  
3 be signed by each defendant and his counsel.

4 Is it your signature on your factual resume,  
5 Mr. Rivera?

6 *DEFENDANT RIVERA:* Yes, sir.

7 *THE COURT:* And the changes that are noted on your  
8 stipulated facts appear to be initialed. Are those your  
9 initials, sir?

10 *DEFENDANT RIVERA:* Yes, sir.

11 *THE COURT:* Thank you.

12 Is it your signature on your factual resume,  
13 Mr. Guy?

14 *DEFENDANT GUY:* Yes, sir.

15 *THE COURT:* On yours, Mr. Richardson?

16 *DEFENDANT RICHARDSON:* Yes, sir.

17 *THE COURT:* Mr. Clarke?

18 *DEFENDANT CLARKE:* Yes, sir.

19 *THE COURT:* Very good. Is it your signature on  
20 yours, Mr. Dupree?

21 *DEFENDANT DUPREE:* Yes, sir.

22 *THE COURT:* And I see that there's a correction just  
23 referring to the nature of the charging instrument.

24 Indictment has been marked out and superseding information has  
25 been written on page 1, and that's your initials accepting

1 that change as well, sir?

2 DEFENDANT DUPREE: Yes, sir.

3 THE COURT: Is it your signature on your factual  
4 resume, Mr. Edwards?

5 DEFENDANT EDWARDS: Yes, sir.

6 THE COURT: Did each of you read or have read to you  
7 your factual resume, and do you fully understand this  
8 document?

9 Mr. Rivera?

10 DEFENDANT RIVERA: Yes, sir.

11 THE COURT: Mr. Guy?

12 DEFENDANT GUY: Yes, sir.

13 THE COURT: Mr. Richardson?

14 DEFENDANT RICHARDSON: Yes, sir.

15 THE COURT: Mr. Clarke?

16 DEFENDANT CLARKE: Yes, sir.

17 THE COURT: Mr. Dupree?

18 DEFENDANT DUPREE: Yes, sir.

19 THE COURT: Mr. Edwards?

20 DEFENDANT EDWARDS: Yes, sir.

21 THE COURT: Are the facts that are stated in your  
22 factual resume true and correct?

23 Mr. Rivera?

24 DEFENDANT RIVERA: Yes, sir.

25 THE COURT: Mr. Guy?



1           *DEFENDANT GUY:* Yes, sir.

2           *THE COURT:* Mr. Richardson?

3           *DEFENDANT RICHARDSON:* Yes, sir.

4           *THE COURT:* Mr. Clarke?

5           *DEFENDANT CLARKE:* Yes, sir.

6           *THE COURT:* Mr. Dupree?

7           *DEFENDANT DUPREE:* Yes, sir.

8           *THE COURT:* And Mr. Edwards?

9           *DEFENDANT EDWARDS:* Yes, sir.

10           *THE COURT:* To defense counsel: Are the facts that  
11 are stated in your clients' factual resumes consistent with  
12 the true facts as you understand them from your investigation?

13           Ms. Carreras?

14           *MS. CARRERAS:* Yes, Your Honor, they are.

15           *THE COURT:* Mr. Luster?

16           *MR. LUSTER:* Yes, Your Honor.

17           *THE COURT:* Mr. Smythe?

18           *MR. SMYTHE:* Yes, Your Honor.

19           *THE COURT:* Mr. Gill?

20           *MR. GILL:* They are.

21           *THE COURT:* And Mr. Lancaster, as to both clients?

22           *MR. LANCASTER:* Yes, Your Honor.

23           *THE COURT:* It would be appropriate at this time for  
24 the United States Attorney to read the stipulated facts  
25 portion out of each factual resume; however, based on the

1 answers I received from each defendant and counsel, as a  
2 time-saving matter, I will allow you to waive the reading of  
3 your facts here in open court.

4 Do you wish to waive that reading?

5 Mr. Rivera?

6 *DEFENDANT RIVERA:* Yes, sir.

7 *THE COURT:* Mr. Guy?

8 *DEFENDANT GUY:* Yes, sir.

9 *THE COURT:* Mr. Richardson?

10 *DEFENDANT RICHARDSON:* Yes, sir.

11 *THE COURT:* Mr. Clarke?

12 *DEFENDANT CLARKE:* Yes, sir.

13 *THE COURT:* Mr. Dupree?

14 *DEFENDANT DUPREE:* Yes, sir.

15 *THE COURT:* And Mr. Edwards?

16 *DEFENDANT EDWARDS:* Yes, sir.

17 *THE COURT:* I will not require the factual resumes  
18 to be read, and I will order that they be filed with the other  
19 papers in your case to the extent not on file.

20 The Court being satisfied with the responses given  
21 during this hearing finds that each defendant is fully  
22 competent and capable of entering an informed plea, and that  
23 his plea of guilty to the charge or charges against him is a  
24 knowing and voluntary plea supported by an independent basis  
25 in fact containing each of the essential elements of the

1 offense or offenses charged against the defendant.

2 I hereby accept each of your pleas of guilty, and I  
3 pronounce you guilty of the charges to which you have pled.

4 As I indicated early on in the proceeding, a  
5 presentence report will be prepared to assist the Court in  
6 sentencing. You will be provided an opportunity -- well, let  
7 me say this.

8 You'll be asked to provide information for that  
9 report, and your degree of cooperation could be a factor in  
10 the severity of the sentence you receive.

11 Your attorney is ordered to be present at your  
12 interview, having a recent familiarity with the sentencing  
13 guidelines, and, specifically, Section 3E1.1, application note  
14 1(a), which deals with acceptance of responsibility.

15 You and your counsel will be provided a copy of that  
16 presentence report well in advance of the date of your  
17 sentencing, and you'll have an opportunity to make comments on  
18 it or any objections to it.

19 Because I have conducted this hearing, rather than  
20 the district judge in your case, I make a written report to  
21 your district judge telling him what you have said and done  
22 here today and what I have found.

23 I also tell you that if you or your attorney have  
24 any objections to anything that I have said or done, or to the  
25 written report itself, these objections must be filed within

1 14 days from the date of this hearing.

2 My clerk will deliver the presentence referral form  
3 to the probation office. A copy of that form has been  
4 provided to each defense counsel, and I simply remind counsel  
5 of your responsibility to contact the probation office as soon  
6 as practicable for further instruction regarding the  
7 presentence investigation.

8 Mr. Rivera, Mr. Guy, and Mr. Clarke, you are each  
9 scheduled to be sentenced on July 7, 2022, at 9:00 a.m.,  
10 before the Honorable Judge Mark Pittman.

11 Mr. Richardson and Mr. Edwards, you are each  
12 scheduled to be sentenced on July 15, 2022, at 9:00 a.m.,  
13 before the Honorable Judge Reed O'Connor. That will be in the  
14 second floor courtroom.

15 Those of you I mentioned for Judge Pittman, he uses  
16 the fourth floor courtroom.

17 And then, finally, Mr. Dupree, you're scheduled to  
18 be sentenced August 9, 2022, at 10:00 a.m., before the  
19 Honorable Judge Terry R. Means. He uses the fifth floor  
20 courtroom at the other end of this hallway.

21 All right. Is there any need to reconsider the  
22 custodial status from the government as to Defendant Rivera at  
23 this time?

24 MR. THOMAS: No, Your Honor. I'm not aware of any  
25 violations while he's been out on pretrial release, so unless

1 the Court is, I would stipulate that the facts are present for  
2 the Court to find that he does not present a danger or risk of  
3 flight.

4 *THE COURT:* All right. I have a report indicating  
5 there are no issues with the conditions of release, so I will  
6 so find as stipulated by the government. You will be allowed  
7 to remain out on your conditions, Mr. Rivera.

8 I must remand the remaining defendants to the  
9 custody of the marshal pending further proceedings.

10 Are there any other matters from the government?

11 *MR. THOMAS:* No, Your Honor.

12 *THE COURT:* From any defendant?

13 *MS. CARRERAS:* None, Your Honor.

14 *MR. LUSTER:* No, Your Honor.

15 *THE COURT:* Good luck to each one of you as you go  
16 forward.

17 Defendants are remanded to the custody of the  
18 marshal as indicated. The attorneys are excused.

19 *(End of Proceedings)*

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**REPORTER'S CERTIFICATE**

I, Debra G. Saenz, CSR, RMR, CRR, certify that the foregoing is a true and correct transcript from the record of proceedings in the foregoing entitled matter.

Further, due to the COVID-19 pandemic, various participants wore masks or were heard via videoconference, so proceedings were transcribed to the best of my ability.

I further certify that the transcript fees format comply with those prescribed by the Court and the Judicial Conference of the United States.

Signed this 24th day of October, 2022.

/s/ Debra G. Saenz

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